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# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3110***

***Thursday, April 3, 2003 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**Geoffrey F. Brown**

**Susan P. Kennedy**

**Loretta M. Lynch**

**Carl W. Wood**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.*

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <b><i>Open to the Public</i></b>
Monday, April 14, 2003 (San Francisco)	Thursday, April 03, 2003 (San Francisco)
Monday, May 05, 2003 (San Francisco)	Thursday, April 17, 2003 (San Francisco)
Monday, May 19, 2003 (San Francisco)	Thursday, May 08, 2003 (San Francisco)
	Thursday, May 22, 2003 (San Francisco )
	Thursday, June 05, 2003 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***

For further information contact the Public Advisor  
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This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
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Public Comment:

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Orders and Resolutions

- CA-1**            **Res TL-19024**  
**1852**            Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142784](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142784)
- CA-2**            **Res ALJ 176-3110**  
**1853**            Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
- CA-3**            **A02-01-035 - Southern California Edison Company (Edison).**  
**1806**            This decision approves agreements between Edison and four qualifying facilities (QFs) that resolve payment disputes, but do not modify the contract energy price. This decision also approves three agreements between Edison and three QFs that resolve payment disputes and modify the contract energy price. This proceeding is closed.  
(Comr Wood - ALJ DeBerry)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**CA-4 (Rev.) Res T-16713**  
**1807**

This resolution revokes the competitive carrier Certificates of Public Convenience and Necessity held by the following 78 companies for failure to comply with D93-05-010: CPCN# (#)5148- Network USA, #5284-WATS/800, Inc., #5310-Adnet Telemanagement, Inc., #5352-American Tel Enterprises, Inc., #5379-WC TTI, Inc., #5417-Bay Area Cellular Telephone Co., #5529-Nationwide Long Distance, Inc., #5538-Federal Communications Group, Inc., #5548- Century Telecommunications, Inc., #5577-Northwest Communications, Inc., #5599-Hispanic Communications Group, #5622-American Business Alliance, Inc., #5629-Digital Network of Texas, Inc., #5650-Vista Group International, Inc., #5704-Minimum Rate Pricing, #5727-Justice Telecom Group, #5774-Brumfield Network Communications, #5783-FirstWorld SGV, #5810-Quad International Communications, #5829-Northpoint Communications, Inc., #5833-Telecircle International Communications, #5834-Global Link Telco Corp., #5856-New Concept Communications, LLC, #5870-Prime Matrix Telecommunications, #5901-W T Communications Services, Inc., #5911-UNA Telecommunications, Inc., #5923-Nexstar Communications, Inc., #5930-Cyberlight International, Inc., #5961-PDO Communications, #5967-Tele/share Communications, Inc., #5977-One Tel, Inc., #5992-Comm/Net IEC, #6000-Tin Can Communications Company, #6006-Business Technology Systems, Inc., #6009-Trans Coast Communication, Inc., #6014-Advantage Plus, #6021-Prime Call, Inc., #6023-Touchlink (Globalink Communications), #6033-New Millennium Communications Corp., #6034-Combined Billing Communications, Inc., #6047-US Republic Communications, Inc., #6049-Valnet Communications, LLC, #6057-Global Communications, Inc., #6071-Elias Ventures, Inc., #6088-Rocky Mountain Broadband, Inc., #6116-New Millennium Conquest Services Corp, #6125-International Economic Telecomm, Inc., #6172-Global-Sat, LLC, #6177-Lotel, Inc., #6181-Wireless USA, Inc., #6200-First Regional Telecom, Inc., #6207-US Communications Services, Inc., #6243-Miracle Communications, Inc., #6250-Comcard International, Ltd., #6251-Single Billing Services, Inc., #6254-Napa Communications, #6259-Camino Communications, #6264-Zoom-I-Net Communications, Inc., #6266-Mainnet, Inc., #6292-International Call Center, Inc., #6295-Gold Tel Corporation, #6297-Sterling Time Company, #6311-Internet Global Telephony, LLC, #6312-RTI Communications, Inc., #6339-Phone X Changes, Inc., #6381-Platinum Development Company, LLC, #6432-Eccom USA Limited, #6468-IP Voice Communications, Inc., #6477-HD Marketing, LLC, #6481-Metstream Communications, Inc., #6499-California Telephone Company, LLC, #6515-Telicon, Inc. (TSC Communications), #6520-Pare Communications, #6526-Clariti Telecom, Inc., #6528-West End Communications, Inc., #6550-New Orbit Com, #6558-Thai American Telecommunications, Inc., #6587-Clearline Communications, Inc.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

03/26/2003 - This revision was not shown on the Agenda mailed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143642](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143642)

**CA-5  
1836****A00-05-032 - Pacific Gas and Electric Company (PG&E).**

PG&E seeks authorization pursuant to Pub. Util. Code §§ 367(b) and 851, to market value by sale certain generation-related parcels of land in Rodeo, Martinez, and Antioch. The Commission concludes that the application is barred under § 377 and the application is dismissed without prejudice. This proceeding is closed.

(Comr Lynch - ALJ Patrick)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142064](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142064)

**CA-6  
1838****A00-05-033 - Pacific Gas and Electric Company (PG&E).**

PG&E seeks authorization pursuant to Pub. Util. Code §§ 367(b) and 851, to market value by sale a generation-related property at Bridgehead Road in Antioch. The Commission concludes that the application is barred under § 377 and the application is dismissed without prejudice. This proceeding is closed.

(Comr Lynch - ALJ Patrick)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142071](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142071)

**CA-7  
1839****A00-05-029 - Pacific Gas and Electric Company and California Waterfowl Association.**

A00-05-030 - Related matters. This decision determines that Pub. Util. Code § 377 bars the transfer of land and other property at issue in these consolidated applications, after considering the parties' briefs on this subject, previous decisions of this Commission and California case law, and federal accounting standards. These proceedings are closed.

(Comr Lynch - ALJ Vieth)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142066](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142066)

- CA-8  
1851**      **A97-12-020 - Pacific Gas and Electric Company (PG&E).**  
I97-11-026, A94-12-005, I95-02-015 - Related matters. In connection with the test year 1999 general rate case (GRC) of PG&E, the Commission approves and adopts an uncontested stipulation pertaining to PG&E's electric distribution plant (Stipulation). Pursuant to the Stipulation, the forecast of net additions to electric distribution plant for 1998 that was adopted in D00-02-046 is reduced by \$88.375 million. Pursuant to the Commission's order in D01-10-031, the revenue requirement impact of the plant reduction, along with other adjustments that have been ordered by the Commission, will be calculated in a final Results of Operations analysis which is to be performed by PG&E and filed by PG&E by advice letter. With this decision, all pending matters in the dockets constituting PG&E's 1999 GRC are resolved. The dockets are therefore ordered closed.  
(Comr Wood - ALJ Wetzell)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- CA-9  
1869**      **A02-12-035 - Focal Communications Corporation of California.**  
This decision grants uncontested application of Focal Communications Corporation of California to discontinue DSL services in the State of California. This proceeding is closed.  
(Comr Brown - ALJ Thorson)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=140664](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140664)
- CA-10  
1870**      **I02-09-002 - Order Instituting Investigation on the Commission's own motion into the operations and practices of Premier Van Lines, Inc., formerly known as Mon Van Moving Services, Inc., and its president and sole shareholder Gary R. Grubb, re violating terms and conditions of settlement adopted by the Commission in D00-06-013.**  
This decision revokes the household goods mover permit of Premier Van Lines, Inc. with prejudice.  
(Comr Wood - ALJ Ryerson)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*
- CA-11  
1877**      **R02-08-002 - Order Instituting Rulemaking on the Commission's own motion to examine whether the regulations regarding prearrangement of charter-party transportation contained in General Order 157-C should be revised.**  
This Rulemaking is discontinued for lack of interest. This proceeding is closed.  
(Comr Kennedy - ALJ Rosenthal)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

- CA-12  
1880**      **A02-12-017 - CAT Communications International, Inc. (CAT).**  
This decision grants the application of CAT for a certificate of public convenience and necessity to provide limited facilities-based local exchange telecommunications services. This proceeding is closed.  
(Comr Brown - ALJ O'Donnell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142472](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142472)
- CA-13  
1881**      **A02-11-049 - Choctaw Communications, Inc. dba Smoke Signal Communications (Choctaw).**  
This decision grants Choctaw a certificate of public convenience and necessity to provide limited facilities-based local exchange telecommunications services. Applicant was previously granted resale authority. This proceeding is closed.  
(Comr Peevey - ALJ O'Donnell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=139838](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=139838)
- CA-14  
1882**      **C02-06-010 - Board of Supervisors of the County of Nevada (County) vs. SBC Pacific Bell (SBC).**  
This decision approves a settlement between the County and SBC. The settlement provides that residents of Nevada County currently served by the Yuba County Smartville Exchange will be served out of the Nevada County Grass Valley Exchange. This proceeding is closed.  
(Comr Brown - ALJ Jones)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142314](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142314)
- CA-15  
1909**      **A01-04-007 - Southern California Gas Company.**  
For authority pursuant to Public Utilities Code Section 851 to sell cushion gas in its Aliso Canyon and La Goleta Storage Fields. This decision awards The Utility Reform Network the amount of \$16,579.04 for compensation for substantial contributions to D01-06-086 and D02-11-028. This proceeding is closed.  
(Comr Lynch - ALJ Wong)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=141938](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141938)
- CA-16  
1910**      **Res O-0044 - Shell California LLC.**  
This resolution approves request of Shell California LLC to increase rates on their Ventura 10 inch, THUMS, Fillmore Ventura Gathering and Brea Systems. (Advice Letter 3, filed November 14, 2002)

**CA-17  
1915****A02-10-042 - Southern California Regional Rail Authority (SCRRA).**

This decision grants a variance from side-clearance requirements of General Order 26-D to SCRRA for concrete-encased skylights adjoining tracks between passenger platforms at Metrolink's Laguna Niguel station at Mile Post 193.0. Agreed-to ramping of platform edges and warning signage will mitigate the hazard to a safe level. This proceeding is closed.

(Exam Clark)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142263](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142263)

**CA-18  
1917****A02-11-025 - Pacific Gas and Electric Company (PG&E).**

This decision grants PG&E's application to amend an existing license agreement with a third party to allow construction of a cabin on utility-owned land under Public Utilities Code Section 851. The amended license is sought to permit the licensees Donald R. Buckman and Mari Ann Lucena to build a cabin on a recreational home site located on PG&E property at Bucks Lake, California. This proceeding is closed.

(Comr Brown - ALJ Bemederfer)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=140284](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140284)

**CA-19  
1918****A00-11-038 - Southern California Edison Company.**

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision grants \$228,897.32 to The Utility Reform Network in compensation for substantial contributions to D01-03-081, D01-04-005, D01-10-067, D02-02-051, D02-02-052, D02-03-058, D02-03-062, and D02-04-016.

(Comr Brown, Comr Lynch - ALJ Pulsifer)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=140070](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140070)

**CA-20  
1919****(ECP) C02-05-015 - Ellen Shing (Complainant) vs. SBC Pacific Bell (SBC).**

Complainant alleges that SBC charged her for local toll calls which should have been local calls to access her Internet Service Provider. This decision grants Complainant's request for relief in the amount of \$435.42. This proceeding is closed.

(Comr Peevey - ALJ Patrick)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=141836](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141836)

- CA-21  
1920**      **(ECP) C02-04-043 - Michael Klein (Complainant) vs. SBC Pacific Bell (SBC).**  
Complainant alleges that SBC charged him for local toll calls which should have been local calls to access his Internet Service Provider. This decision grants Complainant's request for relief in the amount of \$389.70. This proceeding is closed.  
(Comr Kennedy - ALJ Patrick)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=141992](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141992)
- CA-22  
1921**      **(ECP) C01-12-044 - Robert Rycerski (Complainant) vs. SBC Pacific Bell (SBC).**  
Complainant alleges that SBC charged him for local toll calls which should have been billed as local calls to access his Internet Service Provider. This decision grants Complainant's request for relief in the amount of \$314.87. This proceeding is closed.  
(Comr Wood - ALJ Patrick)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=141821](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141821)
- CA-23  
1923**      **A02-12-020 - IDT America Corp. (IDT).**  
This decision grants IDT a certificate of public convenience and necessity under Pub. Util. Code § 1001 for authority to provide limited facilities-based and resold local exchange telecommunications services. This proceeding is closed.  
(Comr Brown - ALJ Bemederfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=144000](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=144000)
- CA-24  
1924**      **Res T-16739 - SBC California (SBC).**  
This resolution approves an Interconnection Agreement between SBC and Arch Wireless Operating Company, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181.  
(Advice Letter 23511, filed January 27, 2003)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142859](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142859)
- CA-25  
1925**      **A02-12-046 - Talk Unlimited Now, Inc. (Applicant).**  
This decision grants the Applicant a certificate of public convenience and necessity to provide limited facilities-based local exchange telecommunications service. This proceeding is closed.  
(Comr Lynch - ALJ O'Donnell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=139847](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=139847)



**CA-26  
1926      A02-12-008 - Mohmed Taha, Mohamed Elba and Mamdouh Hassan dba All Counties Airporter (Applicant).**

This decision authorizes the Applicant to operate a passenger stage corporation between the Counties of San Francisco, Alameda, Contra Costa, Santa Clara and Marin and the International Airports of San Francisco, Oakland, and San Jose. This proceeding is closed.

(Exam Clark)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142787](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142787)

**CA-27  
(Rev.)  
1927      R02-01-010 - Rulemaking to Repeal Rule 63.2(b) of Commission Rules of Practice and Procedure.**

This decision closes R02-01-010, which proposed the repeal of Rule 63.2(b) regarding petitions for automatic assignment of the assigned ALJ in ratesetting proceedings, based on the Commission's previous decision to disapprove this Rule change. This proceeding is closed.

(Comr Lynch - ALJ Prestidge)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

03/27/2003 - This revision was not shown on the Agenda mailed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143744](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143744)

**CA-28  
1929      Res SU-52 - Santa Clara Valley Transportation Authority (VTA).**

This resolution authorizes VTA a variance from General Order 95 (G.O.95), Rule 37, Table 1, Case 3-C, at a location above surface streets immediately to the east of State Route 87 (SR87)) overpass at West San Carlos Street and Woz Way in San Jose. Whereas G.O. 95, Rule 37, Table 1, Case 3-C requires a clearance of 19 feet between overhead trolley conductors and road surface, this variance would permit VTA to lower the overhead trolley conductors to 15.91 feet at surface streets immediately to the east of the overpass.

**CA-29  
1932      A02-11-017 - Pacific Gas and Electric Company (PG&E).**

For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges for gas service effective on January 1, 2003. I03-01-012, A02-09-005 - Related matters. This decision grants PG&E's request to delay filing of testimony on marginal costs, revenue allocation, and rate design.

(Comr Peevey - ALJ Cooke)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142593](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142593)

**CA-30  
1933      Res W-4383 - California Water Service Company (CWSC).**

This resolution authorizes CWSC, Bakersfield District, a rate base offset revenue increase of \$1,894,396 or 2.77% additional annual revenue. (Advice Letter 1541, filed March 4, 2003)

- CA-31  
1937**      **I02-04-027 - Order Instituting Investigation into the operations and practices of Verizon (formerly GTE California Incorporated) with respect to its Individual Case Basis Contracts.**  
This decision extends Pub. Util. Code § 1701.2(d) twelve-month adjudicatory deadline.  
(Comr Peevey - ALJ McVicar)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142406](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142406)
- CA-32  
1939**      **Res T-16738 - Roseville Telephone Company (Roseville).**  
This resolution approves an Interconnection Agreement between Roseville and Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 758, filed January 27, 2003)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143186](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143186)
- CA-33  
1942**      **A02-11-037 - ACC Telecommunications, L.L.C. (ACC).**  
This decision grants the unopposed request of ACC to withdraw facilities-based and resold local exchange and interexchange telecommunications services, and dedicated services in Los Angeles, Orange County, and San Diego, California. This proceeding is closed.  
(Comr Peevey - ALJ Reed)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=141847](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141847)
- CA-34  
1943**      **A02-12-025 - Verizon California Inc. (Verizon).**  
This decision grants Verizon the authority to issue and sell \$1,340,000,000 Debt Securities in order to retire long-term debt securities and refund short-term obligations. This proceeding is closed.  
(Exam Leutza)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=139104](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=139104)
- CA-35  
1944**      **W-4386 - Great Oaks Water Company (Great Oaks).**  
This resolution authorizes a temporary surcharge to recover under-collections in Great Oaks' water production and purchased power balancing accounts producing an increase in revenue of \$966,536 or 4.85%. (Advice Letter 155, filed February 26, 2003)
- CA-36  
1945**      **W-4385 - Point Arena Water Works, Inc. (PAWW).**  
This resolution denies the request of PAWW to adjust the surcharge rates authorized in Res W-4233 due to changes in the number of customers by meter size. (Advice Letter 44, filed October 10, 2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142639](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142639)

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- CA-37**  
**1946**      **Res E-3819 - Pacific Gas and Electric Company (PG&E).**  
PG&E submits an agreement with TCI Cablevision of California, Inc. in accordance with Section X.A of General Order 96-A. Approved. (Advice Letter 2314-E, filed December 3, 2002)
- CA-38**  
**1949**      **Res W-4387 - Del Oro Water Company, Paradise Pines District (DOWCPP).**  
This resolution authorizes DOWCPP a one-time water quantity surcharge producing an increase in revenue of \$38,626.12 or 2.8% to offset costs of purchased water. (Advice Letter (AL) 114, filed January 13, 2003, and Supplemental AL 114-A, filed February 19, 2003)
- CA-39**  
**1950**      **Res W-4388 - Arrowhead Manor Water Company, Inc. (AMWC).**  
This resolution authorizes AMWC an offset rate increase of \$68,447 or 20.1% in additional revenue due to contract work and purchased water costs. (Advice Letter (AL) 50-W, filed January 15, 2003 and supplemented by AL 50-W-A, filed February 25, 2003)
- CA-40**  
**1956**      **C02-04-006 - Laguna Irrigation District vs. Pacific Gas and Electric Company.**  
This decision extends the 12-month statutory deadline pursuant to Public Utilities Code Section 1701.2(d), but requires the parties to submit a status report no later than April 18, 2003 demonstrating why this case should not be dismissed without prejudice.  
(Comr Brown - ALJ McKenzie)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143028](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143028)
- CA-41**  
**1957**      **Res W-4389 - California Water Service Company (CWSC).**  
This resolution authorizes CWSC, Salinas District, to acquire two mutual water companies. (Advice Letters 1514 and 1515, filed May 7, 2002)
- CA-42**  
**1960**      **A02-08-013 - ITC^DeltaCom Communications, Inc. (DeltaCom) and ITC^DeltaCom, Inc.**  
This decision grants the joint application of DeltaCom and ITC^DeltaCom, Inc., for approval of the indirect transfer of control of DeltaCom. This proceeding is closed.  
(Comr Wood - ALJ O'Donnell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=130515](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=130515)
- CA-43**  
**1961**      **A02-12-006 - Airespring, Inc.**  
This decision grants Airespring, Inc. a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange telecommunications service. This proceeding is closed.  
(Comr Wood - ALJ O'Donnell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143218](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143218)
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**CA-44**            04/02/2003 - Moved to item (9) on the agenda.  
**(Rev.)**  
**1968**

**CA-45**            **A02-04-007 - Pacific Gas and Electric Company (PG&E).**  
**1972**            The Commission's D02-10-047 approves PG&E's application to enter into an agreement with a lakeside property owner permitting construction of a floating dock at Lake Almanor, subject to modifying certain language in the agreement. This decision grants PG&E's petition to enter the agreement without modifying its language.  
(Comr Wood - ALJ Bemederfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**CA-46**            **A02-11-031 - San Diego Gas & Electric Company (SDG&E).**  
**(Rev.)**            This decision grants, with some modifications, the authority requested by SDG&E to recover electric  
**1948**            CARE and Low Income Energy Efficiency Costs. This proceeding is closed.  
(Comr Wood - ALJ Long)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
04/02/2003 - This item appeared as (7) on the agenda distributed to the public.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143909](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143909)

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## Regular Agenda

### Utility and Transportation Orders *Orders Held Over*

**H-1  
1256                    R97-10-049 - Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as it relates to investor owned water companies.**

This decision alters D00-07-018 to omit an unexplained advice letter filing exemption and to conform Ordering Paragraph 2 to the discussion in the decision text and the record in the proceeding. This proceeding is closed.

(Comr Kennedy - ALJ Bushey)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

(Agenda 3101, Item CA-12 11/21/2002 (Duque); Agenda 3103, Item CA-9 12/17/2002 (Duque); Agenda 3106, Item H-4 1/30/2003 (Peevey); Agenda 3108, Item H-3 2/27/2003 (Kennedy))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=141982](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141982)

**H-2  
1500                    A02-03-059 - Pacific Bell Telephone Company (Pacific).**

This decision approves the arbitrated interconnection agreement filed by Pacific and Pac-West Telecomm, Inc., under Rule 4.2 of the Commission's revised rules governing filings made pursuant to the Telecommunications Act of 1996, pursuant to Subsection 252(e) of that Act. This proceeding is closed.

(Comr Wood - ALJ Ryerson)

(Agenda 3103, Item 11 12/17/2002 (Brown); Agenda 3105, Item H-8 1/16/2003 (Brown); Agenda 3107, Item H-8 2/13/2003 (Peevey); Agenda 3108, Item H-8 2/27/2003 (Kennedy); Agenda 3109, Item H-6 3/13/2003 (Kennedy))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143356](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143356)

**H-2a  
1798                    ALTERNATE TO ITEM 1500**

This alternate decision approves with modification the arbitrated interconnection agreement between SBC-California and Pac-West Telecomm, Inc. Issue number 14 of the Final Arbitrator's Report is modified to comport with prior Commission decisions, such that transport charges are applicable to VNXX traffic terminating outside of the originating local calling area.

(Comr Brown)

(Agenda 3108, Item H-8a 2/27/2003 (Kennedy); Agenda 3109, Item H-6a 3/13/2003 (Kennedy))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=139836](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=139836)

**H-3  
1623****R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.**

This decision grants, with certain modifications, the Motions filed by San Diego Gas & Electric Company and Pacific Gas and Electric Company on December 19, 2002 and December 20, 2002, respectively, requesting consideration and approval of Operating Agreements with the Department of Water Resources.

(Comr Peevey - ALJ Halligan)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3105, Item 11 1/16/2003 (Staff); Agenda 3106, Item H-15 1/30/2003 (Staff); Agenda 3107, Item H-12 2/13/2003 (Staff); Agenda 3109, Item H-7 3/13/2003 (Peevey))

**H-3a  
1971****ALTERNATE TO ITEM 1623**

This alternate differs from the Administrative Law Judge's draft decision in its treatment of how the WAPA load should be treated by DWR.

(Comr Peevey)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143276](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143276)

**H-4  
1722****R02-01-011 - Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060.**

This decision adopts mechanisms to implement cost responsibility surcharges for customer generation departing load. The decision approves a Settlement Agreement subject to certain modifications.

(Comr Brown, Comr Wood - ALJ Pulsifer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*This matter may be considered during the Ratesetting Deliberative Meeting.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3108, Item 1 2/27/2003 (Peevey); Agenda 3109, Item H-9 3/13/2003 (Peevey))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143027](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143027)

**H-4a  
1800****ALTERNATE TO ITEM 1722**

This alternate order differs from the proposed decision in that it denies the Settlement Agreement proposed by parties. This decision finds that departing load should be assessed all the elements of the Direct Access Customer Surcharge Responsibilities as identified in D02-11-022 for direct access customers. However, this decision provides an exemption for customer generation eligible for net metering as well as ultra-clean and low-emission distributed generation as defined in Pub. Util. Code Section 353.2(a).

(Comr Lynch)

(Agenda 3108, Item 1a 2/27/2003 (Peevey); Agenda 3109, Item H-9a 3/13/2003 (Peevey))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=141327](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141327)

**H-4b  
1840****ALTERNATE TO ITEM 1722**

This alternate rejects the application of cost responsibility surcharges to customer generation departing load that meets certain eligibility criteria and falls within an annual cap. The alternate therefore also declines to adopt the multi-party Settlement Agreement.

(Comr Kennedy, Comr Peevey)

(Agenda 3109, Item H-9b 3/13/2003 (Peevey))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143552](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143552)

**H-5  
1729****R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of Direct Access pursuant to Assembly Bill 1X and D01-09-060.**

This order grants the petition to modify filed on November 18, 2002, by San Diego Gas & Electric Company, seeking clarification of whether D02-11-022 exempts the 80 megawatts of United States Navy load referenced in the Decision from the components of the direct access cost responsibility surcharge.

(Comr Brown, Comr Wood - ALJ Pulsifer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3108, Item CA-12 2/27/2003 (Brown); Agenda 3109, Item H-10 3/13/2003 (Brown))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=141791](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=141791)

**H-6  
1781****A01-09-006 - Southern California Edison Company (Edison).**

Application in the 2000/2001 revenue adjustment proceeding. This decision deems Edison's special contracts reasonably administered during the record period, and approves Low Emission Vehicles expenditures during record period and acknowledges a compliance filing. This proceeding is closed.

(Comr Brown - ALJ Sullivan)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3109, Item CA-7 3/13/2003 (Lynch))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143490](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143490)

**H-7  
1788****A02-01-012 - Pacific Gas and Electric Company (PG&E).**

This decision grants PG&E authorization pursuant to Pub. Util. Code § 851 to sell certain electric distribution and a few related transmission facilities in a portion of western Stanislaus County, including the City of Patterson, the Community of Crows Landing, and adjacent rural areas (the Westside Zone) to Turlock Irrigation District (TID), and approves a new service area agreement between PG&E and TID and other related transactions. This decision allocates PG&E's gain resulting from the sale of distribution assets to TID to PG&E shareholders pursuant to Redding II. This proceeding is closed. (Comr Brown - ALJ Prestidge)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3109, Item 4 3/13/2003 (Brown))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143397](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143397)

**H-7a  
1973****ALTERNATE TO ITEM 1788**

This decision grants PG&E authorization pursuant to Pub. Util. Code § 851 to sell certain electric distribution and a few related transmission facilities in a portion of western Stanislaus County, including the City of Patterson, the Community of Crows Landing, and adjacent rural areas (the Westside Zone) to Turlock Irrigation District (TID), and approves a new service area agreement between PG&E and TID and other related transactions. The proceeding is bifurcated to address gain-in-sale issues. (Comr Lynch)



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**Orders**

- 1**  
**1865**      **R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.**  
This decision approves statewide and local energy efficiency programs for investor-owned utilities to implement in 2003.  
(Comr Kennedy - ALJ Malcolm)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142155](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142155)
- 2**  
**1867**      **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**  
I95-04-044 - Related matters. This decision modifies the Commission's policy adopted in D96-08-028 relating to the "grandfathering" of certain customers' area code designations in connection with geographic area code splits, whereby those customers are permitted to keep their original area code.  
(Comr Lynch - ALJ Pulsifer)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=140852](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140852)
- 3**  
**1868**      **R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and D01-09-060.**  
This decision grants, in part, Albertson's Inc. petition to modify D02-03-055, to allow direct access (DA) customers to add new locations or accounts to DA service provided there is no net increase in the amount of load served under DA as of the date direct access was suspended, September 20, 2001.  
(Comr Brown, Comr Wood - ALJ Pulsifer)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=140619](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=140619)
- 3a**  
**1873**      **ALTERNATE TO ITEM 1868**  
This alternate order differs from the proposed decision in that it denies the Petition for Modification of Albertson's. This decision finds that the intention of D02-03-055 is clear that new locations or new accounts are prohibited.  
(Comr Wood)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142239](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142239)

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- 4**  
**1872**      **A01-09-062 - California Water Service Company (Cal Water).**  
For an order authorizing to increase rates charged for water service at each of its operating districts to recover increased operating expenditures at its General Office. A01-09-063, A01-09-064, A01-09-065, A01-09-066, A01-09-067, A01-09-068, A01-09-069, A01-09-070, A01-09-071, A01-09-072, A01-09-073, A01-09-074 - Related matters. This interim decision holds that the General Rate Case test-year results-of-operation and rates that will be adopted for Cal Water in this proceeding shall be effective as of the date of the adoption of this decision.  
(Comr Kennedy - ALJ Bushey)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143981](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143981)
- 5**  
**1876**      **C00-01-021 - Zacky & Sons Poultry Co. (Zacky), dba Zacky Farms vs. Southern California Edison Company (Edison).**  
This decision approves the Presiding Officer's Decision (POD), with one minor change, and denies appeal of the POD. The POD finds that Zacky's complaint seeking electric service under Edison's agricultural tariff for a poultry processing plant is without merit. This proceeding is closed.  
(Comr Lynch - ALJ Prestidge)  
*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*
- 6**  
**1928**      **C00-01-001 - Air-Way Gins, Inc., et al. vs. Pacific Gas and Electric Company (PG&E).**  
This decision concludes that cotton ginning does not result in a "change of form" of harvested or "seed" cotton within the meaning of the eligibility statement for PG&E's agricultural tariffs. No change of form occurs because ginning results in the separation of the cotton fiber from the cottonseed, but neither the fiber nor the seed is severed, crushed, cut into, or otherwise irremediably damaged by ginning. As a result of this determination, the complainant cotton ginners are entitled to a refund for the relevant period of the difference between what they were billed for their ginning activities under PG&E's commercial tariffs and what they should have been billed for this work under the lower agricultural tariffs. For each complainant, the refund period extends back to the Fall of 1996; i.e., three years before the ginners first requested refunds from PG&E. This proceeding is closed.  
(Comr Peevey - ALJ McKenzie)  
*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*
- 7 (Rev.)**  
**1948**      04/02/2003 - Moved to item (CA-46) on the agenda.
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**8**  
**1970**

**A02-06-024 - Verizon California Inc. (Verizon).**

This decision approves the arbitrated interconnection agreement (ICA) filed by Verizon and Pac-West Telecomm, Inc., under Rule 4.2 of the Commission's revised rules governing filings made pursuant to the Telecommunications Act of 1996, pursuant to Subsection 252(e) of the Act. The Commission finds that the ICA does not violate the requirements of Section 251 of that Act, the Federal Communications Commission's implementing regulations therefor, or the pricing standards set forth in Subsection 252(d) of the Act. This proceeding is closed.

(Comr Brown - ALJ Ryerson)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**8a**  
**1983**

**ALTERNATE TO ITEM 1970**

This decision approves with modification the arbitrated interconnection agreement filed by Verizon and Pac-West Telecomm. Issue number 3 of the Final Arbitrator's Report is modified to comport with prior Commission decision, such that transport charges are applicable to VNXX traffic terminating outside of the originating local calling area.

(Comr Brown)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143510](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143510)

**9 (Rev.)**  
**1968**

**R\_\_\_\_\_ - Order Instituting Rulemaking on the Commission's own motion to comply with the mandates of Senate Bill 1563 regarding deployment of Advanced Telecommunications Technologies.**

04/02/2003 - This item appeared as (CA-44) on the agenda distributed to the public.

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**Utilities Resolutions and Written Reports****Energy Matters**

- E-1  
1750**      **Res E-3814 - Southern California Edison Company (SCE).**  
SCE seeks Commission approval of one power purchase agreement contributing toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources irrespective of the utility's residual net short. (Advice Letter 1680-E, filed January 14, 2003) (Agenda 3107, Item E-3 2/13/2003 (Brown); Agenda 3108, Item E-3 2/27/2003 (Staff); Agenda 3109, Item E-1 3/13/2003 (Brown))
- E-2  
1771**      **Res E-3816 - Southern California Edison Company.**  
For approval of one power purchase agreement (PPA) contributing toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources irrespective of the utility's residual net short. Consideration of this PPA had previously been deferred from Resolution E-3809 and is now being addressed here. (Advice Letter 1676-E, filed December 24, 2002)  
(Agenda 3108, Item E-4 2/27/2003 (Staff); Agenda 3109, Item E-2 3/13/2003 (Staff))
- E-2a  
1844**      **ALTERNATE TO ITEM 1771**  
This alternate resolution differs from the proposed resolution in that it denies approval of one power purchase agreement (PPA) which Southern California Edison Company (SCE) requests to enter into in 2003 to contribute toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources. Consideration of this PPA had previously been deferred from Resolution E-3809 and is now being addressed here.  
(Comr Wood)  
(Agenda 3109, Item E-2a 3/13/2003 (Staff))
- E-3  
1778**      **Res E-3801 - Pacific Gas and Electric Company (PG&E).**  
This resolution approves with modifications PG&E's tariff revisions to implement a flexible pricing option in accordance with Public Utilities Code Section 454.1. (Advice Letter 2276-E, filed August 26, 2002)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
(Agenda 3109, Item E-3 3/13/2003 (Staff))
- E-3a  
1962**      **ALTERNATE TO ITEM 1778**  
PG&E submits revisions to implement a flexible pricing option in accordance with PUC Code 454.1. Approved with modifications.  
(Comr Peevey)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143940](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143940)

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- E-4  
1843**      **Res E-3711 - Pacific Gas and Electric Company (PG&E), Southern California Edison (Edison), Southwest Gas Corporation (SWG), and San Diego Gas & Electric (SDG&E).**  
PG&E requests authority to revise its electric and gas tariff to add language specifying payment options available to PG&E customers, including credit card payment and electronic billing and payments. Edison requests approval of a form by which customers may receive and pay their Edison bills electronically through the Internet. SWG requests authority to revise tariffs to allow electronic billing. SDG&E requests authority to add the definition of electronic billing to its rules, and to discontinue mailing a paper bill to customers enrolled in internet billing. The utilities' requests are approved, subject to compliance with certain consumer protection measures, and subject to certain modifications. (PG&E Advice Letter (AL) 2221-G/1982-E, filed March 21, 2000; Edison AL 1446-E, filed March 30, 2000; SWG AL 622, filed October 31, 2000; SDG&E AL 1229-E-A/1200-E-A, filed August 10, 2000)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142093](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142093)
- E-5  
1871**      **Res E-3794 - Mountain Utilities.**  
Mountain Utilities requests approval to revise its rate schedule to eliminate a subsidy between customer classes. The revisions will result in a rate increase of approximately 16.71% to generation and distribution charges. In addition, Mountain Utilities is requesting to revise its tariff schedules to delete outdated rates. (Advice Letter 18-EA, filed October 9, 2002)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143987](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143987)
- E-6  
1874**      **Res E-3817 - Sierra Pacific Power Company (Sierra).**  
This resolution approves Sierra's tariff revisions to reinstate an Energy Cost Adjustment Clause "Offset" Balancing Account Mechanism. (Advice Letter (AL) 294-E, filed January 8, 2003 and AL 294-E-A, filed February 6, 2003)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143627](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143627)
- E-7  
1981**      **Res E-3824**  
This resolution orders Southern California Edison Company and San Diego Gas & Electric Company to take all reasonable and necessary actions to implement the applicable provisions of the Governor's State of Emergency Proclamation, dated March 7, 2003. The utilities are directed to consult and cooperate with the California Department of Forestry to identify and remove those dead or dying trees in the designated zones of bark beetle infestation within Riverside, San Bernardino, and San Diego counties.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=144011](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=144011)
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**Telecommunications Matters****C-1                    Res T-16720 - Evans Telephone Company (Evans).****1535**

This resolution authorizes total intrastate revenue in the amount of \$9,652,486 for Evans for the test year 2003. This represents a reduction of \$1,943,414 to Evans' estimate of \$11,595,900 for total intrastate revenue for 2003. The Total Intrastate Rate Base amount for Evans is \$8,736,731 with an overall Intrastate Rate of Return of 10.00% for the test year 2003. Evans had requested a Total Intrastate Rate Base amount of \$12,756,407 for an authorized Overall Intrastate Rate of Return of 10.00%. Also authorized by this resolution is California High Cost Fund-A (CHCF-A) support for Evans for test year 2003 of \$1,048,675. Evans had requested CHCF-A support for 2003 of \$3,627,318. (Advice Letter 326, filed December 19, 2001)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

(Agenda 3105, Item C-6 1/16/2003 (Staff); Agenda 3106, Item C-3 1/30/2003 (Staff); Agenda 3107, Item C-2 2/13/2003 (Brown); Agenda 3109, Item C-1 3/13/2003 (Lynch))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142759](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142759)

**C-1a (Rev.)        ALTERNATE TO ITEM 1535****1829**

This alternate resolution authorizes total intrastate revenue in the amount of \$10,282,075 for Evans for the test year 2003. This represents a reduction of \$1,313,825 to Evans' estimate of \$11,595,900 for total intrastate revenue for 2003. The Total Intrastate Rate Base amount for Evans is \$11,278,061 with an overall Intrastate Rate of Return of 10.00% for the test year 2003. Evans had requested a Total Intrastate Rate Base amount of \$12,756,407 for an authorized Overall Intrastate Rate of Return of 10.00%. Also authorized by this resolution is California High Cost Fund-A (CHCF-A) support for Evans for test year 2003 of \$1,803,612. Evans had requested CHCF-A support for 2003 of \$3,627,318.

(Advice Letter 326, filed December 19, 2001)

(Comr Brown)

(Agenda 3109, Item C-1a 3/13/2003 (Lynch))

03/27/2003 - This revision was not shown on the Agenda mailed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142891](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142891)

**C-1b (Rev.)        ALTERNATE TO ITEM 1535****1936**

This alternate resolution authorizes total intrastate revenue requirement of \$10,486,532 for Evans for test year 2003. This revenue requirement takes into account projected growth in Evans' labor-related costs and corporate expenses arising from infrastructure improvements and extended customer service hours. The Total Intrastate Rate Base amount for Evans is \$11,278,061 with an overall Intrastate Rate of Return of 10% for test year 2003. Also authorized by this resolution is California High Cost Fund-A support for 2003 of \$2,008,069. (Advice Letter 326, filed December 19, 2001)

(Comr Kennedy)

04/01/2003 - This revision was not shown on the Agenda mailed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143980](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143980)



**Legislative Matters****Items**

- LEG-1**      **AB 451 (Lowenthal)**  
**1975**      Cellular telephone service billing statements.
- LEG-2**      **AB 508 (McCarthy)**  
**1976**      Telecommunications: commercial mobile radio services.
- LEG-3**      **AB 855 (Firebaugh and Levine)**  
**1977**      Wireless telecommunications: access to state property.
- LEG-4**      **AB 1457 (Assembly Utilities & Commerce Committee (Reyes, et.al.))**  
**1964**      Telecommunications: High-Cost Fund-A.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=143721](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=143721)
- LEG-5**      **AB 1684 (Leno)**  
**1978**      Distributed energy.
- LEG-6**      **SB 67 (Bowen)**  
**1979**      Renewables Porfolios Standard.



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**Commissioner's Reports****CR-1                      Commissioners' Report****1854**                      Miscellaneous Commissioners' reports.**CR-2                      Commissioner Lynch Report****1309**                      Discussion of and action to modify the Commission's policy regarding misuse of state government property through use of inappropriate material.

(Agenda 3099, Item CR-2 11/7/2002 (Staff); Agenda 3101, Item CR-2 11/21/2002

(Staff); Agenda 3102, Item CR-2 12/5/2002 (Staff); Agenda 3103, Item CR-2 12/17/2002

(Staff); Agenda 3105, Item CR-2 1/16/2003 (Lynch); Agenda 3107, Item CR-2 2/13/2003

(Lynch); Agenda 3108, Item CR-2 2/27/2003 (Staff); Agenda 3109, Item CR-2 3/13/2003

(Staff))

**CR-3                      Commissioner Wood Report****1974**                      Discussion of and action on assignment and reassignment of: R01-10-024 (Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development); R01-09-001/I01-09-002 (Commission's own motion to assess and revise the New Regulatory Framework for Pacific Bell and Verizon California Incorporated and Order Instituting Investigation on the Commission's own motion to assess and revise the New Regulatory Framework for Pacific Bell and Verizon California Incorporated; R01-08-028 (Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs); and I03-02-033 (Order Instituting Investigation whether San Diego Gas & Electric Company, Southern California Gas Company and their holding company, Sempra Energy, Respondents, have complied with relevant statutes and Commission decisions, pertaining to Respondents' holding company systems and affiliate activities).**CR-4                      President Peevey Report****1982**                      Discussion of the Energy Action Plan proposed by a subcommittee of the Energy Resources Conservation and Development Commission, the Consumer Power and Conservation Financing Authority, and the PUC. The Plan establishes shared goals and specific actions to ensure adequate, reliable, and reasonably-priced electrical power and natural gas supplies are achieved and provided through policies, strategies, and actions that are cost-effective and environmentally sound for California's consumers and taxpayers.

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## Management Reports and Resolutions

### **M-1                    Management Reports**

**1855**                    Miscellaneous Management reports.

### **M-2                    Executive Director William Ahern Report**

**1922**                    Staff Report on Processing filings.

### **M-3                    Executive Director William Ahern Report**

**1951**                    Executive Director Duty Statement and Development Plan

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).*

### Non-Federal Items

#### Orders Held Over

#### HEX-1 1347

##### **A00-11-038 - Conference with Legal Counsel - Application for Rehearing.**

A00-11-056, A00-10-028 - Related matters. Disposition of Application for Rehearing of D02-06-070, as modified by D02-07-007, filed by Southern California Edison Company and Pacific Gas and Electric Company.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3101, Item EX-5 11/21/2002 (Wood); Agenda 3103, Item HEX-2 12/17/2002 (Wood); Agenda 3105, Item HEX-1 1/16/2003 (Lynch); Agenda 3107, Item HEX-1 2/13/2003 (Lynch); Agenda 3108, Item HEX-1 2/27/2003 (Kennedy); Agenda 3109, Item HEX-1 3/13/2003 (Staff))

#### HEX-2 1795

##### **I02-07-015 - Conference with Legal Counsel – Application for Rehearing.**

Disposition of application for rehearing filed by Pacific Gas and Electric Company (PG&E) of D02-11-030 which conditionally authorizes PG&E to issue up to \$9.5 billion of additional preferred stock and long term debt to implement the Commission's and the Official Committee of Unsecured Creditors' reorganization plan for the company currently pending in U.S. Bankruptcy Court.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3109, Item EX-5 3/13/2003 (Staff))

**HEX-3  
1833****R02-06-041 - Conference with Legal Counsel – Application for Rehearing.**

Disposition of Application for Rehearing of D02-07-037 filed by The Utility Reform Network. D02-07-037 is the decision in Phase I of this proceeding. D02-07-037 adopts two rules concerning turned back gas capacity on the El Paso Natural Gas Company interstate natural gas pipeline system. It also provides California utilities with full cost recovery for their costs associated with their existing interstate pipeline capacity rights to the extent they comply with the adopted rules.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Gov. Code § 11126.3(d), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

(Agenda 3109, Item EX-6 3/13/2003 (Staff))

**HEX-4  
1834****A98-12-005 - Conference with Legal Counsel – Application for Rehearing.**

Disposition of Application for Rehearing of D01-09-045 filed by The Greenlining Institute and Latino Issues Forum (GL/LIF). D01-09-045 awarded intervenor compensation to GL/LIF and other parties for their contributions to D00-03-021.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3109, Item EX-7 3/13/2003 (Staff))

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**Orders****EX-1                      Conference with Legal Counsel - Application for Rehearing****1856**

Compilation of applications for rehearing recently filed with the Commission.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.***EX-2                      Conference with Legal Counsel - Threatened Litigation****1857**

Significant exposure to litigation.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session.***EX-3                      Conference with Legal Counsel - Initiation of Litigation****1858**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.***EX-4                      Personnel Matters****1859**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session.***EX-5                      C00-03-017 - Conference with Legal Counsel – Application for Rehearing****1930**

Disposition of Application for Rehearing of D02-10-042, filed by Carol Fisch on November 02, 2002.

D02-10-042 granted Carol Fisch's petition for modification of D01-04-013, in part, and modified Findings of Fact 13 and 18 of that decision to more accurately reflect the record.

The petition was denied in all other respects.

Carol Fisch contends that D02-10-042's Findings of Fact 13 erroneously found that Garrapata Creek was the midpoint of the water line between Carol Fisch's property and the Garrapata Water System, and that its Findings of Fact 18 incorrectly held that Garrapata Water Company owned an easement for the water line south of Garrapata Creek.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.**Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

**EX-6  
1959****A01-06-029 - Conference with Legal Counsel – Application for Rehearing**

Disposition of the application for rehearing of D02-07-036 filed by Roseville Land Development Association.

D02-07-036 authorized Wild Goose Storage, Inc. (“Wild Goose”) to expand its gas storage facilities in Butte County and to connect the expanded facility to a major transmission pipeline owned by Pacific Gas and Electric Company.

D02-07-036 also allowed Wild Goose to offer the additional storage capacity and related services at market-based rates.

However, D02-07-036 prohibited Wild Goose from engaging in any storage or hub service transaction with its parent company or any affiliate controlled by its parent company, and required Wild Goose to comply with other reporting requirements as specified in the Decision.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

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**Federal Items****Items****FEX-1                      Conference with Legal Counsel - Initiation of Litigation**

**1860**                      Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**FEX-2                      Case No. 01 30923 DM - Conference with Legal Counsel - Existing Litigation**

**1861**                      Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**FEX-3                      Case No. 01-56879, DC. No. CV-00-12056-RSWL - Conference with Counsel - Existing Litigation**

**1862**

Southern California Edison v. Lynch, et al., United States Court of Appeal for the Ninth Circuit, Case No. 01-56879, DC. No. CV-00-12056-RSWL.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**FEX-4                      Case No. C01-3023 VRW - Conference with Legal Counsel - Existing Litigation**

**1863**

Pacific Gas and Electric Company v. Lynch, et al., United States District Court for the Northern District of California, San Francisco Division, Case No. C01-3023 VRW.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**FEX-5                      FERC Docket No. RP00-241-006 - Conference with Legal Counsel – Existing Litigation**

**1864**

Public Utilities Commission of the State of California v. El Paso Natural Gas Company, et al.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*